

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 9, 2011
SAN FRANCISCO, CALIFORNIA**

S196393**MALOOLY (MICHAEL P.)
ON H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S072161**PEOPLE v. POTTS
(THOMAS)**

Extension of time granted

Good cause appearing, and based upon counsel Michael P. Goldstein's representation that he anticipates filing the appellant's reply brief by March 30, 2012, counsel's request for an extension of time in which to file that brief is granted to January 6, 2012. After that date, only two further extensions totaling about 84 additional days are contemplated.

S095223**PEOPLE v. BLOOM
(ROBERT MAURICE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Michael R. Johnsen's representation that he anticipates filing the respondent's brief by May 7, 2012, counsel's request for an extension of time in which to file that brief is granted to January 9, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William H. Shin's representation that he anticipates filing the respondent's brief by May 14, 2012, counsel's request for an extension of time in which to file that brief is granted to January 6, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S126387**PEOPLE v. HAZLETT
(LARRY KUSUTH)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Arnold A. Erickson's representation that he anticipates filing the appellant's opening brief by March 1, 2012, counsel's request for an extension of time in which to file that brief is granted to January 6, 2012. After that date, only one further extension totaling about 60 additional days is contemplated. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S127119**PEOPLE v. GIVENS (TODD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 6, 2012.

S143743**PEOPLE v. MENDOZA
(HUBER JOEL)**

Extension of time granted

Good cause appearing, and based upon counsel Kathy Moreno's representation that she anticipates filing the appellant's opening brief by November 30, 2011, counsel's request for an extension of time in which to file that brief is granted to November 30, 2011. After that date, no further extension is contemplated. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S154541**LANCASTER (ANDREW) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Viet H. Nguyen's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by January 6, 2012, counsel's request for an extension of time in which to file that document is granted to January 6, 2012. After that date, no further extension is contemplated.

S192751

B222399 Second Appellate District, Div. 1

**PEOPLE v. YARBROUGH
(JAMMAL HANEEF)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 6, 2011.

S195187 B222845 Second Appellate District, Div. 7 **PEOPLE v. WILLIAMS
(DEMETRIUS LAMONT)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Tracy A. Rogers is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S152156 **PEOPLE v. KARIS, JR.,
(JAMES LESLIE)**

Order filed

The order filed November 7, 2011, granting an extension of time in which to file the reply to the informal response is corrected nunc pro tunc as to the case title.

S190230 F059134 Fifth Appellate District **IN RE L.L.**

Order filed

The application of appellant requesting permission to file an oversized replacement reply brief on the merits is hereby granted.

S196206 **BARSI ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL JAMES BARSI, State Bar Number 159970, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL JAMES BARSI is suspended from the practice of law for the first 30 days of probation;
2. MICHAEL JAMES BARSI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 18, 2011; and
3. At the expiration of the period of probation, if MICHAEL JAMES BARSI has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2012, 2013, and 2014. If MICHAEL JAMES BARSI fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S196209**BARTLESON ON
DISCIPLINE**

Recommended discipline imposed

The court orders that PAUL RANDALL BARTLESON, State Bar Number 119273, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. PAUL RANDALL BARTLESON is suspended from the practice of law for the first 60 days of probation;
2. PAUL RANDALL BARTLESON must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 19, 2011; and
3. At the expiration of the period of probation, if PAUL RANDALL BARTLESON has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

PAUL RANDALL BARTLESON must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2013 and 2014. If PAUL RANDALL BARTLESON fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S196218**FAIRBAIRN ON DISCIPLINE**

Recommended discipline imposed

The court orders that SYDNEY ELISE FAIRBAIRN, State Bar Number 122349, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. SYDNEY ELISE FAIRBAIRN is suspended from the practice of law for the first 60 days of probation;
2. SYDNEY ELISE FAIRBAIRN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on June 21, 2011; and
3. At the expiration of the period of probation, if SYDNEY ELISE FAIRBAIRN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196224**HAWBAKER ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that THOMAS ANDREW HAWBAKER, State Bar Number 140654, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

THOMAS ANDREW HAWBAKER must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on February 9, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

THOMAS ANDREW HAWBAKER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196225**HUSTED III ON DISCIPLINE**

Recommended discipline imposed

The court orders that EARL WAYNE HUSTED III, State Bar Number 99019, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. EARL WAYNE HUSTED III is suspended from the practice of law for the first year of probation;
2. EARL WAYNE HUSTED III must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 12, 2011; and
3. At the expiration of the period of probation, if EARL WAYNE HUSTED III has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

EARL WAYNE HUSTED III must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

EARL WAYNE HUSTED III must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2012, 2013, and 2014. If EARL WAYNE HUSTED III fails to pay any installment as

described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S196228**LAUREANO ON DISCIPLINE**

Recommended discipline imposed

The court orders that MAYRA IVELLISSE LAUREANO, State Bar Number 194702, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. MAYRA IVELLISSE LAUREANO must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 12, 2011; and
2. At the expiration of the period of probation, if MAYRA IVELLISSE LAUREANO has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MAYRA IVELLISSE LAUREANO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2012 and 2013. If MAYRA IVELLISSE LAUREANO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S196230**LEE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BENJAMIN TAE WOUN LEE, State Bar Number 169034, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BENJAMIN TAE WOUN LEE must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on June 29, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

BENJAMIN TAE WOUN LEE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196234**PROCTOR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that TERRELL WAYNE PROCTOR, State Bar Number 206555, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

TERRELL WAYNE PROCTOR must make restitution as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 12, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

TERRELL WAYNE PROCTOR must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196237**RANCIGLIO ON DISCIPLINE**

Recommended discipline imposed

The court orders that ALEX JUSTIN RANCIGLIO, State Bar Number 162222, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and is placed on probation for two years subject to the following conditions:

1. ALEX JUSTIN RANCIGLIO is suspended from the practice of law for the first 90 days of probation;
2. ALEX JUSTIN RANCIGLIO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 7, 2011; and
3. At the expiration of the period of probation, if ALEX JUSTIN RANCIGLIO has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALEX JUSTIN RANCIGLIO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ALEX JUSTIN RANCIGLIO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2012, 2013, and 2014. If ALEX JUSTIN RANCIGLIO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S196239**SHLIONSKY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that YEFIM MANDEL SHLIONSKY, State Bar Number 237892, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. YEFIM MANDEL SHLIONSKY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196240**SILBER ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID SCOTT SILBER, State Bar Number 176377, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DAVID SCOTT SILBER must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 11, 2011; and
2. At the expiration of the period of probation, if DAVID SCOTT SILBER has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID SCOTT SILBER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196241**SPAHR ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHESTERFIELD ADAMS SPAHR, State Bar Number 190173, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. CHESTERFIELD ADAMS SPAHR is suspended from the practice of law for a minimum of the first two years of probation (with credit given for inactive enrollment, which was effective October 19, 2009 (Bus. & Prof. Code § 6233)), and he will remain suspended until the following requirement is satisfied:
 - i. He must provide proof to the Office of Probation of his participation in the State Bar of

California's Lawyer Assistance Program for two years from October 19, 2009.

2. CHESTERFIELD ADAMS SPAHR must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on June 20, 2011.
3. At the expiration of the period of probation, if CHESTERFIELD ADAMS SPAHR has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Costs must be paid with his membership fees for the year 2012. If CHESTERFIELD ADAMS SPAHR fails to pay costs as described above, or as may be modified by the State Bar Court, costs are due and payable immediately.

S196243

ST. JOHN ON DISCIPLINE

Recommended discipline imposed

The court orders that DAVID ALBERT ST. JOHN, State Bar Number 48746, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. DAVID ALBERT ST. JOHN is suspended from the practice of law for a minimum of two years and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Jose and Maria Acevedo in the amount of \$4,850 plus 10 percent interest per year from September 30, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Jose and Maria Acevedo, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - ii. He makes restitution in the amount of \$8,000 as ordered and directed by the U.S. Bankruptcy Court and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - iii. DAVID ALBERT ST. JOHN must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. DAVID ALBERT ST. JOHN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 12, 2011.
3. At the expiration of the period of probation, if DAVID ALBERT ST. JOHN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID ALBERT ST. JOHN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

DAVID ALBERT ST. JOHN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Justice Bruiners, not participating in the following case, will not join the bench. The court will be rejoined by Chief Justice Tani Cantil-Sakauye at the bench.

S177401 Barbara J. O’Neil et al., Plaintiffs and Appellants,
v.
Crane Company et al., Defendants and Respondents.

Cause called. Laurie Hepler argued for Respondent Warren Pumps, LLC.
Nicholas Vari argued for Respondent Crane Co.
Jeffrey Isaac Ehrlich argued for Appellants.

Ms. Hepler replied.
Cause submitted.

S191020 The People, Plaintiff and Respondent,
v.
Amir A. Ahmed, Defendant and Appellant.

Cause called. Tami Falkenstein Hennick, Office of the Attorney General, argued
for Respondent.
Phillip I. Bronson, Court-appointed Counsel, argued for Appellant.

Ms. Hennick replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the court and officers present as first shown.

S186661 The People, Plaintiff and Respondent,
v.
Seth Cravens, Defendant and Appellant.

Cause called. Gary W. Schons, Office of the Attorney General, argued for
Respondent.
Randall Bookout, Court-appointed Counsel, argued for Appellant.

Mr. Schons replied.
Cause submitted.

S120750 The People, Respondent,
 v.
 Kevin Darnell Pearson, Appellant.

Cause called. Conrad Petermann, Court-appointed Counsel, argued for Appellant.

Yun K. Lee, Office of the Attorney General, argued for Respondent.

Mr. Petermann replied.

Cause submitted.

S055652 The People, Respondent,
 v.
 Freddie Fuiava, Appellant.

Cause called. Michael Satris, Court-appointed Counsel, argued for Appellant.
Thomas C. Hsieh, Office of the Attorney General, argued for Respondent.

Mr. Satris replied.

Cause submitted.

Court recessed until Thursday, November 10, 2011, at 9:00 a.m.

